

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 7 NUMBER 125

Washington, Friday, June 26, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[MQ-603—Cotton, Sup. 1]

PART 722—COTTON

SUBPART E—1942

MARKETING QUOTA REGULATIONS, 1942-43; RATE OF PENALTY

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31, 7 U.S.C. 1301 *et seq.*), as amended, public notice is hereby given of the following amendment to the regulations governing cotton marketing quotas for the 1942-1943 marketing year (MQ-603—Cotton, as issued by the Secretary of Agriculture on December 11, 1941, and amended by the Acting Secretary of Agriculture on June 8, 1942), which regulations shall be in force and effect until rescinded or suspended, or amended or superseded by regulations hereafter made under said act.

Section 722.439¹ is hereby amended by deleting the first sentence therefrom and inserting in lieu thereof the following sentence:

The rate of penalty for the 1942-1943 marketing year shall be 8 cents per pound.

Done at Washington, D. C., this 24th days of June 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-5938; Filed, June 24, 1942;
4:38 p. m.]

¹7 FR. 4368.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission [Docket No. 4703]

PART 3—DIGEST OF CEASE AND DESIST ORDERS, LINCOLN ACADEMY, INC., ET AL.

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Government connection:*
§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Jobs and employment:*
§ 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee:* § 3.96
(b) *Using misleading name—Vendor—Government connection.* In connection with offer, etc., in commerce, of correspondence courses of study for Civil Service positions under the Government, and among other things, as in order set forth, (1) representing that respondent corporation is an agency or representative of or connected with the United States Government or the United States Civil Service Commission; (2) representing that a Government job is assured or guaranteed to students taking the courses offered; and (3) using the words "Service Bureau" or any other words of similar import as a corporate or trade name, or a part thereof, or in any manner representing that respondents' business is a part of, is connected with, or is a branch, bureau or agency of the Government of the United States or the United States Civil Service Commission, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Lincoln Academy, Inc., Docket 4703, June 16, 1942]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Government connection:*
§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.69
(b) *Misrepresenting oneself and goods—Goods—Scientific or other relevant facts:*
§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:*
§ 3.69 (b) *Misrepresenting oneself and*

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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goods—Goods—Undertakings, in general: § 3.72 (n10) Offering deceptive inducements to purchase—Terms and conditions: § 3.72 (p) Offering deceptive inducements to purchase—Undertakings, in general. In connection with offer, etc., in commerce, of correspondence courses of study for Civil Service positions under the Government, and among other things, as in order set forth, (1) representing that civil service examinations will be held at definite times and places or within a specified time at or near the

homes of prospective students; (2) representing that students will be notified of the time and place civil service examinations are to be held; (3) representing that respondents' salesmen or representatives represent or are connected with or are under the supervision of the United States Government or the United States Civil Service Commission; and (4) representing that students will be able to obtain positions at or near their respective places of residence and will not be required to leave their homes in order to obtain Government jobs, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Lincoln Academy, Inc., Docket 4703, June 16, 1942]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Jobs and employment:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee:* § 3.72 (g10) *Offering deceptive inducements to purchase—Limited offers or supply:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers, savings and discounts:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* In connection with offer, etc., in commerce, of correspondence courses of study for Civil Service positions under the Government, and among other things, as in order set forth, (1) representing that the number of students who are permitted to take courses of study is limited; (2) representing that the number of students enrolled in a certain locality is limited; (3) representing that the time within which prospective students may enroll is limited, and unless such students enroll at once there will be no opportunity to do so again; (4) representing that prospective students have been appointed to a civil service job; (5) representing that unpaid balances due on tuition at the time a student is appointed to a Government position will be deducted from the student's pay check by the Government and (6) representing that cards of inquiry signed by prospective students and sent to respondents have been returned from Washington and that such prospective student has been selected by the Government for employment; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Lincoln Academy, Inc., Docket 4703, June 16, 1942]

In the Matter of Lincoln Academy, Inc., a Corporation, Trading Under Its Corporate Name and Also as Preparatory Service Bureau; K. Arnold Freedman, Mrs. K. Arnold Freedman, Also Known as Miss R. E. Sims, Individually and as Officers of Lincoln Academy, Inc., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of June, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon

the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Lincoln Academy, Inc., a corporation, when doing business under its own or any other name, its officers, agents and employees; K. Arnold Freedman and Mrs. K. Arnold Freedman, individually, under such names or any other names, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of correspondence courses of study for Civil Service positions under the United States Government, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or by implication:

(1) Representing that respondent corporation is an agency or representative of or connected with the United States Government or the United States Civil Service Commission;

(2) Representing that a Government job is assured or guaranteed to students taking the courses offered;

(3) Representing that civil service examinations will be held at definite times and places or within a specified time at or near the homes of prospective students;

(4) Representing that students will be notified of the time and place civil service examinations are to be held;

(5) Representing that respondents' salesmen or representatives represent or are connected with or are under the supervision of the United States Government or the United States Civil Service Commission;

(6) Representing that students will be able to obtain positions at or near their respective places of residence and will not be required to leave their homes in order to obtain Government jobs;

(7) Representing that the number of students who are permitted to take courses of study are limited;

(8) Representing that the number of students enrolled in a certain locality are limited;

(9) Representing that the time within which prospective students may enroll is limited, and unless such students enroll at once there will be no opportunity to do so again;

(10) Representing that prospective students have been appointed to a civil service job;

(11) Representing that unpaid balances due on tuition at the time a student is appointed to a Government position will be deducted from the student's pay check by the Government;

(12) Representing that cards of inquiry signed by prospective students and sent to respondents have been returned from Washington and that such pro-

spective student has been selected by the Government for employment;

(13) Using the words "Service Bureau" or any other words of similar import as a corporate or trade name, or a part thereof, or in any manner representing that respondents' business is a part of, is connected with, or is a branch, bureau or agency of the Government of the United States or the United States Civil Service Commission.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-5943; Filed, June 25, 1942;
10:54 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Commission

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

FINANCIAL STATEMENT REQUIRED OF FUTURES COMMISSION MERCHANT APPLICANT

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1940 ed. 1-17a), the following amendment to § 1.10 of part 1, chapter I, title 17, Code of Federal Regulations (17 CFR 1.10, as amended; 6 F.R. 4061, 7 F.R. 2721, 2987), is hereby promulgated:

The second paragraph of § 1.10 is amended to read as follows:

§ 1.10 *Applications for registration required on prescribed forms; financial statements of futures commission merchants; registration suspended or revoked for willful misrepresentation.* * * *

Every application for registration as futures commission merchant other than an application necessitated solely by rea-

son of a change in the name of the registrant shall be accompanied by a supplemental statement on Form 1-RF, showing the financial condition of the applicant as of a date not more than 6 months prior to the date of filing application: *Provided*, That the latest statement of financial condition submitted by the applicant to any commodity or securities exchange of which applicant is a member which includes substantially the same information concerning applicant's financial condition as that required on Form 1-RF, as of a date not more than 6 months prior to the filing of application, may be filed with the application in lieu of statement on Form 1-RF: *Provided further*, That in exceptional instances, upon good cause shown, the Administrator may extend, for not to exceed 60 days, the time for the filing of the applicant's financial statement. [Sec. 4f (1), as added by sec. 5, 49 Stat. 1495; 7 U.S.C. 1940 ed. 6f (1)]

Done at Washington, D. C., this 24th day of June 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-5937; Filed, June 24, 1942;
4:38 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT No. 3

RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the

coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplements R-I and R-IV, § 323.8 (*Special prices—(b) Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplements R-II and R-V, § 323.8 (*Special prices—(c) Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplements R-III and R-VI, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping points, freight origin group numbers, and railroads appearing in the aforesaid Supplement R-IV for the coals of Mine Index Nos. 198, 407, 637, and 734 are effective in place of those heretofore applicable to these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: June 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members—Supplement R-I*

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.									
							1	2	3	4	5	6	7	8	9	10
677	McDonald, Ray	McDonald #1	Pittsburgh	Kingsmont, W. Va.	B&O	50	F	F	F	F	F	F	F	F	F	F
683	Morgan, H. V.	Eldora	Pittsburgh	Kingsmont, W. Va.	B&O	50	F	F	F	F	F	F	F	F	F	F
1333	Princess Pat Coal, Inc., c/o W. L. Sherman	Princess Pat	L. V. Kittingh	Conrad, W. Va.	B&O	70	F	F	F	F	F	F	F	F	F	F
1333	Ruthell Coal Co.	Deep Hollow #2	M. V. Freepport	Albright, W. Va.	B&O	70	F	F	F	F	F	F	F	F	F	F
1334	Ruthell Coal Co.	Deep Hollow #3	M. V. Freepport	Albright, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F
1340	Scriffenfeld, D. L.	Scriffenfeld	Pittsburgh	Kingsmont, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F
743	Snyder, Charles W.	Snyder #1	Pittsburgh	Kingsmont, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F
917	Stark, Argel	Stark	Pittsburgh	Dobs, W. Va.	B&O	30	F	F	F	F	F	F	F	F	F	F
1336	Williams, Phil, Trustee (Phil Williams Coal Co.)	Williams #1	H. V. Kittingh	Mable, W. Va.	B&O	30	F	F	F	F	F	F	F	F	F	F
1337	Williams, Phil, Trustee (Phil Williams Coal Co.)	Williams #2	H. V. Kittingh	Coalton, W. Va.	B&O	30	F	F	F	F	F	F	F	F	F	F

NOTE: No classifications effective for size groups 11 to 16.

§ 323.8 *Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-II.* For railroad fuel prices add these mine numbers to the respective groups set forth in

§ 323.8 (b) in Minimum Price Schedule. Group No. 1: 677, 683, 743, 917, 1340; Group No. 3: 1333, 1334, 1336, 1337; Group No. 6: 1338.

§ 323.8 *Special prices—(c) Railroad fuel prices for movement via all lakes—Supplement R-III.* For railroad fuel prices add these mine numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 677, 683, 743, 917, 1340; Group No. 3: 1333, 1334, 1336, 1337; Group No. 6: 1338.

§ 323.6 *Alphabetical list of code members—Supplement R-IV*

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.									
							1	2	3	4	5	6	7	8	9	10
108	Blaser Fuel Co.	Blaser	M. V. Freepport	Blaser, W. Va.	B&O	70	F	F	F	F	F	F	F	F	F	F
467	Homo Construction Company, The c/o P. W. Johnson	Kingsmont (Strip)	Pittsburgh	Kingsmont, W. Va.	B&O	50	F	F	F	F	F	F	F	F	F	F
734	Hunter, C. E.	Hunter	H. V. Kitt	Coalton, W. Va.	B&O	30	F	F	F	F	F	F	F	F	F	F
687	Morgan, Donald	Morgan Bros. #2	Pittsburgh	Kingsmont, W. Va.	B&O	30	F	F	F	F	F	F	F	F	F	F

NOTE: The above prices are applicable only via the respective Freight Origin Groups, shipping points, and Railroads shown for the respective mines. Freight Origin groups, Shipping Points, and Railroads previously assigned to these mines are no longer applicable.

§ 323.8 *Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-V.* For railroad fuel prices add these mine numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 407, 687; Group No. 3: 198, 734.

§ 323.8 *Special prices—(c) Railroad fuel prices for movement via all lakes—Supplement R-VI.* For railroad fuel prices add these mine numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 407, 687; Group No. 3: 198, 734.

Shipments are amended by the following price classifications and minimum prices, to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in those Schedules:

ALPHABETICAL LIST OF CODE MEMBERS HAVING RAILWAY LOADING FACILITIES, SHOWING PRICE CLASSIFICATIONS BY SIZE GROUPS FOR ALL USES, EXCEPT AS SEPARATELY SHOWN

Mining Index No.	Code member	Mine name	Subdistrict No.	Low volatils exam	Shipping point	Railroad	Freight group No.	Price classifications by size groups									
								1	2	3	4	5	6	7	8	9	10
60115	Page Peabontas Coal Corpora- tion.	P a g e No. 2.	0	Carb----	P a g e, Va.	N & W---	100	0	0	0	D	D	D	0	0	E	E

FOR TRUCK SHIPMENTS

[Prices in cents per net ton for shipment into all market areas]

Code member	Mine name	Mine index No.	Seam	Size groups								
				1	2	3	4	5	6	7	8	
SUNDISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS BUCHANAN COUNTY, VA. Page Peachbottom Coal Corporation.....												
	Page No. 2.....	2015	Cary.....	230	235	239	220	270	205	170	165	

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.
Dated: June 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 43-5915; Filed, June 24, 1943;
10:52 a. m.]

[Docket No. A-1392]

**PART 328—MINIMUM PRICE SCHEDULE,
DISTRICT No. 8**

AMENDMENT OF RELIEF ORDER

Order amending order granting temporary and conditionally final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An Order issued May 6, 1942, 7 F.R. 3872, granted temporary relief and conditionally provided for final relief in the above-entitled matter by establishing price classifications and minimum prices for certain mines in District No. 8. Subsequently, the original petitioner filed a motion to modify the Order so that the relief granted therein to the New Chidrevella Mine (Mine Index No. 5418) of

FOR TRUCK SHIPMENTS

§ 323.23 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Codo member index	Mine Index No.	Mine	Somn	County	Size groups						
					Lump over 2", egg over 2"	Lump 2", egg 2"	Lump 1½" and under, egg 1½" and under, bottom size	All nut and pea 2" and under	Run of mine resultant over 2"	1½" and 2" slack	¾" slack
Hornbeck, Anthony--Princess Pat Coal, Inc., c/o W. L. Sherman,	1325 1335	Hornbeck--Princess Pat....	H. V. Kittanning--L. V. Kittanning..	Upshur--Preston---	208 255	203 235	203 235	178 210	178 210	168 163 168 163	168 163 168 163
Rutbell Coal Co.....	1333	Deep Hollow #2.	M. V. Freeport....	Precision---	225	225	225	200	200	190 180	190 180
Rutshell Coal Co.....	1334	Deep Hollow #3.	M. V. Freeport....	Precision---	225	225	225	200	200	190 180	190 180
Scribblefield, D. L....	1340	Scribblefield.....	Pittsburgh.....	Hartton---	223	218	218	193	193	178 163	178 163
Williams, Phil, Trustee (Phil Williams Coal Co.)	1336	Williams #1.....	H. V. Kittanning..	Randolph..	203	203	203	178	178	163 163	163 163
Williams, Phil, Trustee (Phil Williams Coal Co.)	1337	Williams #2.....	H. V. Kittanning..	Randolph..	203	203	203	178	178	163 163	163 163
Woolring, Maynard S.	1335	Lanham-----	M. V. Freeport....	Precision---	225	225	225	200	200	190 180	190 180

[F. R. Doc. 42-5314; Filed, June 24, 1943; 10:52 a. m.]

[Docket No. A-1509]

**PART 328—MINIMUM PRICE SCHEDULE,
DISTRICT No. 8**

PAGE POCAHONTAS COAL CORP.—RELIEF
GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of the Page No. 2 Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, of both temporary and permanent, of price classifications and minimum prices for the coals of the Page No. 2 Mine (Mine Index No. 6015) of the Page Pocahontas Coal Corporation.

poration, code member in District No. 8;
and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That pending final disposition of the above-entitled matter, temporary relief be granted as follows: Commencing forthwith § 328.21 (*Alphabetical list of code members*) and § 328.42 (*General prices for low volatile coals*) in the Schedules of Effective Minimum Prices for District No. 8 for All Shipments Except Truck and For Truck

the Cinderella Coal Corporation, and to the Consolidation No. 207 Mine (Mine Index No. 5445) of the Consolidation Coal Company, would not become final until October 1, 1942.

It appears that these mines have not yet entered into commercial production; that petitioner is not certain as to what price classifications are proper for the coals to be produced. Petitioner has alleged that by October 1, 1942, the mines will have entered into regular commercial production and that any doubts as to the proper classifications of these mines will thus be resolved before that date.

It appears that a reasonable showing of necessity has been made for the granting of this motion, and that no petitions of intervention have been filed with the Division in the above-entitled matter.

It is ordered, That the relief granted in the Order of May 6, 1942, in the above entitled matter, shall not become final until October 1, 1942, as to Mine Index Nos. 5418 and 5445.

It is further ordered, That pleadings in opposition to this Order may be filed with the Division within forty-five (45) days from its date, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That in all other respects the Order of May 6, 1942, in the above-entitled matter be and the same shall remain in full force and effect.

Dated: June 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5955; Filed, June 25, 1942;
11:08 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

MISCELLANEOUS AMENDMENTS

The regulations heretofore promulgated¹ under the Federal Explosives Act of December 26, 1941 (55 Stat. 863), are hereby amended as follows:

Section 301.2 (b) is amended by revising the list of explosives to read as follows:

Amatol (mixture of ammonium nitrate and trinitrotoluene).
Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients).
Ammonium nitrate.
Azides.
Blasting powder.
Blasting caps.
Caps, blasting, detonating, percussion—all classes.
Chlorate powders.
Detonating fuse, or cordeau detonant.
Detonators.
Dynamites.

Electric blasting caps.
Fireworks—except as designated in section 301.3 (c) (4).
Flashlight powders.
Fulminates.
Fuse of all varieties.
Guncotton.
Gunpowder and gunpowder mixtures (except cartridges for small arms or shotguns).
Hexanitrodiphenylamine.
Nitrocellulose exceeding 12.2 percent nitrogen.
Nitroglucose.
Nitroglycerin (except in pharmacopoeia solution, or in form of pills, or granules, containing not more than one-fiftieth of a grain each, for pharmaceutical purpose).
Nitroglycol.
Nitromannite (except in the form of pills or granules containing not over three-fourths of a grain each of nitromannite, for pharmaceutical purposes).
Nitrostarch.
Nitrosugar.
Permissible explosives.
Pentaerythritetetrinitrate (penthrite or pentrite).
Picrates.
Picric acid, except in solutions not exceeding 1.25 percent at normal or room temperature, for medicinal use, in quantities not exceeding eight fluid ounces of such solution.
Potassium nitrate powders (black saltpeter powder).
Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).
Smokeless powder (except in cartridges for small arms or shotguns).
Sodium nitrate powders (black soda powder).
Squibs.
Styphanates.
Tetryl (trinitrophenylmethyl nitramine or "tetranitromethylaniline").
Tetranitroaniline.
Tetranitromethylaniline.
Trimethylenetrinitramine (hexogen or T₁).
Trinitroanisole.
Trinitrocresol.
Trinitronaphthalene.
Trinitrotoluene (triton).
Trinitroxylene.

Section 301.2 (c) is amended by revising the list of ingredients to read as follows:

Chlorates:
Ammonium.
Barium.
Potassium.
Sodium.
Strontium.
Liquid Air.
Liquid Oxygen.
Nitrates:
Ammonium.
Barium.
Potassium.
Sodium.
Strontium.
Perchlorates:
Perchloric acid and salts.
Phosphorus.

Section 301.3 (b) (2) is amended by adding thereto, at the end thereof, the following sentences:

(2) * * * However, persons who export or import explosives or ingredients under the act of January 31, 1922, the act of November 4, 1939, or the act of July 2, 1940 (referred to above), shall keep a record of such transactions, which shall include the quantity and description of the goods, the dates of shipment and delivery, the name of vessel used, the name and address of consignee, con-

signor, vendor, purchaser, carrier, and other interested parties. This record shall be retained by the exporter or importer until called for by the Director, or until one year after the termination of the present war; and shall be open for inspection at all times by the Director or his authorized representative.

Section 301.4 (b) (4) is amended by adding at the end thereof the sentence following: "An employee may not be licensed as a foreman unless his employer is licensed under the Act."

Section 301.5 (a) is amended to read as follows:

(a) *Term of licenses.* Licenses are valid for the term of one year from the date of issuance, but may be renewed in the manner provided by the Director. They are subject to revocation by the Director and expire upon the termination of the war or of a national emergency proclaimed by the President:

Section 301.5 (c) is amended by rewriting the second sentence thereof to read as follows:

(c) * * * If the decedent is a licensed foreman, or if a licensed foreman resigns or is discharged, his license becomes immediately void and shall be delivered to his employer who must deface it by writing across the face thereof the word "Void", together with a notation of the date and reason for the voidance, and thereafter keep it among his records; and the employer must at once take possession and charge of any explosives or ingredients for which the foreman was accountable.

Section 301.6 is amended to read as follows:

§ 301.6 *Qualifications of applicants for license*—(a) *Age.* All persons executing applications and all individual licensees must be at least twenty-one years old, except that individual applicants for a purchaser's license who are engaged in work or labor requiring the use of explosives or ingredients may be less than twenty-one years old. (See § 301.7 (g) for special requirements for applications of minors.)

(b) *Reliability and experience.* All applicants must be sufficiently reliable and experienced to have the license applied for. Applicants who have failed to comply with Federal, State and local laws, regulations and instructions relating to the handling and storage of explosives and ingredients thereof shall not be considered qualified to have a license, unless an endorsement of their qualifications is given by an authorized representative of the Bureau of Mines.

(c) *Citizenship.* Loyalty and friendliness to the United States are essential qualifications of applicants for licenses. It is not required that individual applicants or officers, directors, members, or stockholders of applicant organizations be citizens of the United States or citizens of neutral or allied countries; but applications involving enemy aliens must be supported and passed upon in the manner provided in §§ 301.7 (g) and 301.9 (a).

¹ 7 F.R. 305, 1103, 1976, 3876.

Section 301.7 (c) is amended to read as follows:

(c) *Execution and oath.* Applications by individuals must be executed by and the oath thereon made by the individual. An application for a foreman's license must be endorsed by the applicant's employer, but the applicant's employer need not join in the oath. The application of a firm, association, society, or corporation should ordinarily be executed and the oath thereon made by its regularly appointed and authorized officer or officers, and if made by any other person, the authority of that person to represent and act for the organization must be shown by a certificate executed by its proper officer or officers.

Section 301.7 (d) is amended by rewriting the first sentence thereof to read as follows:

(d) Applicants who claim to be citizens of the United States through naturalization and who prior to their naturalization were citizens of countries with whom the United States is at war must give satisfactory evidence of their United States citizenship. * * *

Section 301.7 is further amended by adding thereto a new paragraph (g) as follows:

§ 301.7 (g) *Qualification affidavits required.* Affidavits supporting the qualifications of applicants must be filed by the following applicants:

(1) Individual applicants who are unknown to the licensing agent or other issuing officer to whom application is made;

(2) Individual applicants for purchaser's licenses who are less than twenty-one years old;

(3) Individual applicants who are enemy aliens;

(4) Applicant organizations of which one or more officers or directors are enemy aliens; and

(5) Applicant organizations in which more than fifty percent of the voting stock or other beneficial voting holdings is owned or controlled by enemy aliens.

These affidavits must be made by at least two reputable citizens of the United States, preferably State, county, or municipal officials, and shall attest the applicant's reliability and experience in the handling of explosives or ingredients, the applicant's loyalty and friendliness to the United States, and the applicant's need for the license. The affiants must not be connected by blood, marriage, or business relationship with the applicant, except that in the case of an applicant for a foreman's license one of the affiants may be the applicant's employer or an officer or agent of his employer; and, in the case of an application by a minor, either or both of the affiants may be related to the applicant. (See § 301.9 (a) regarding the issuance of licenses.)

Section 301.9 (a) is amended to read as follows:

(a) *Issuing officers and fees.* Licensing agents are authorized to issue only three kinds of licenses, to wit: vendor's,

purchaser's and foreman's. Only the Director may issue manufacturer's and analyst's-inventor's - educator's - investigator's licenses, but the Director may receive applications for and issue all forms of licenses. Licensing agents are not authorized to issue licenses to enemy aliens or to firms, corporations or other organizations of which any of the officers or directors is an enemy alien or which is controlled by members or stockholders who are enemy aliens, but all applications of this type shall be forwarded to the Director with the recommendations of the licensing agents as to appropriate action. The Director, upon the showing of special circumstances, may issue licenses in such cases.

Licensing agents may charge a fee of 25 cents for each license issued by them, whether an original or a duplicate license or a certified copy. They may also charge 25 cents for each application filed with them to be forwarded to the Director. No fees are required to accompany applications filed with the Director, nor are any fees required for the issuance of a license or a copy of a license by the Director.

Section 301.9 (d) is amended by striking therefrom the last sentence thereof.

Section 301.9 (e) is amended to read as follows:

(e) *Notice of refusal to issue license.* A licensing agent or other officer who refuses to issue a license upon an application filed with him, must give to the applicant on the form provided for that purpose a notice of rejection, one copy of which he must retain, and another copy of which he must mail forthwith to the Explosives Control Division of the Bureau of Mines accompanied by a copy of the rejected application, the original of which he must retain. The notice to the applicant may be given to him personally, or sent to him by mail at the address given on the application. If the notice is given to the applicant personally, it is deemed to have been given at the time of delivery; if mailed to the applicant, it is deemed to have been given five days after mailing.

Section 301.10 (a) is amended by rewriting the last sentence thereof to read as follows:

(a) * * * The duplicate shall be given the same number as the original license with the addition after the number of the letter "D" (to indicate that it is a duplicate), and shall bear the date of issuance; and the issuing officer shall write upon the face of the duplicate license and upon the stub thereof the words "Duplicate of license No. _____, dated _____," with the serial number and date of the original license filled in.

Section 301.10a, entitled "Fees for licenses and copies," is hereby repealed.

Section 301.14 (d) is amended by rewriting the second sentence thereof to read as follows:

(d) * * * To this end licensees must keep full and detailed records of transactions in explosives and ingredi-

ents, showing the amount and kind on hand at the beginning of the account; the amount and kind received by purchase, issuance or otherwise; the amount and kind sold or otherwise disposed of including sales or issuances to employees, the names of the persons to whom explosives or ingredients are sold, issued or otherwise disposed of, and the balance on hand.

Section 301.14 is further amended by adding thereto a new paragraph (f) as follows:

(f) *Reports of losses or unlawful removal.* Every licensee and any person to whom knowledge of the facts may come shall report promptly to a Federal Explosives Investigator or to a Regional Officer or to the Explosives Control Division of the Bureau of Mines any unauthorized entry or attempted entry to a magazine, or removal or attempted removal of or tampering with it or its contents, and any loss or theft of explosives or ingredients whatever. If there is a series of such losses or if more than 10 pounds are lost within the period of a week, the person in charge shall without delay notify a Regional Officer and wire the Explosives Control Division of the Bureau of Mines, Washington, D. C., at Government rate, collect.

Section 301.19 (b) is amended by inserting after the words "A certified copy" the words "or photostatic copy."

The cross-reference at the end of that section is amended to read "(See section 10, re copies of licenses.)."

Section 301.20 (c) is amended by adding to the first paragraph thereof the sentence following:

(c) * * * Magazines must be entered and inspected by a licensed person at intervals of not greater than seven days, for the purpose of determining if the magazine and its contents are intact and in good order and if there is any evidence of improper or unauthorized entry or attempted entry to or removal of or tampering with the magazine or its contents.

Section 301.20 (d) is amended to read as follows:

(d) *Licensees' records and foremen's reports.* Every licensed owner or operator and every foreman shall keep the records required by § 301.14 (d). Separate records must be kept for each magazine. Each licensed foreman must make written reports to his licensed employer or to another licensed foreman of his employer in charge of the issuance or sale of explosives or ingredients to the reporting foreman. Such written reports of the foreman shall consist of one separate report for each day in which explosives or ingredients are received, issued, sold, or otherwise handled by him, and one report for each month in which explosives are in his possession or under his control, whether or not any were received, sold, issued, or used during the month reported for. The reports for each day must be made at the end of the day reported for, or on the workday fol-

lowing. The reports for the month must be made within 10 days after the end of the month reported for. If the foreman has possession or control of a magazine, his monthly report must contain a statement that he has entered and inspected the magazine pursuant to the provisions of paragraph (c) hereof, and that the magazine and its contents were found to be intact and in good order and no explosives or ingredients improperly missing or removed, or otherwise as the case may be. Any evidence of improper or unauthorized entry to or attempted entry to a magazine or removal or attempted removal of or tampering with it or its contents, and any theft of explosives or ingredients whatever, must be reported immediately by the licensed foreman to his employer, who shall report the matter pursuant to § 301.14 (f).

Section 301.20 (e) entitled "Report of losses or unlawful removal," is hereby repealed and paragraph (f) of that section is relettered (e).

(Sec. 18, 55 Stat. 863)

R. R. SAYERS,
Director.

Approved: June 22, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-5961; Filed, June 25, 1942;
11:56 a. m.]

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

SODIUM NITRATE USED AS FERTILIZER

§ 303.6 *General purchaser's license for sodium nitrate as fertilizer.* A general license is hereby granted under the Federal Explosives Act of December 26, 1941 (55 Stat. 863), to any person as defined therein who, as owner, manager, tenant or sharecropper, operates a tract of land for the production of food, fiber, medicinal herbs or tobacco, authorizing him to purchase and possess sodium nitrate for use as a fertilizer on that tract of land and to use it for that purpose thereon.

This general license relieves those covered by it only from the duty of applying for and securing an individual license. It does not relieve them or anyone else from the duty of keeping records on the acquisition and disposition of sodium nitrate, as prescribed by the regulations issued under the Act, or from any other obligation imposed upon them by the Act or the regulations. It expires at the close of business on December 31, 1942, unless sooner terminated.

R. R. SAYERS,
Director.

JUNE 22, 1942.

The foregoing license is approved and all regulations inconsistent therewith are waived.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-5962; Filed, June 25, 1942;
11:58 a. m.]

Chapter IX—War Production Board Subchapter B—Division of Industry Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-58]

OSCAR W. HEDSTROM CORP.

Oscar W. Hedstrom Corporation, of Chicago, Illinois, is a manufacturer of wood and metal patterns and models and nonferrous alloy castings. It was prohibited under General Preference Order M-1 until February 17, 1942, and since then under Supplementary Order M-1-f, from making deliveries of castings or products of aluminum not approved on Form PD-26A.

During the month of February 1942, Oscar W. Hedstrom Corporation made deliveries of aluminum castings which had been specifically disapproved when submitted for approval on Form PD-26A. In addition, it made deliveries of aluminum castings without having submitted them for the approval of the Director of Industry Operations on Form PD-26A. The Company had previously made shipments to six of the same companies without official approval, and the Compliance Branch had specifically admonished the Company against repetition of the violation. Consequently, these deliveries were made with full knowledge that they were prohibited by orders of the Director of Industry Operations.

In these violations of General Preference Order M-1 and Supplementary Order M-1-f, Oscar W. Hedstrom Corporation impeded the war program by diverting scarce materials to purposes unauthorized by the Director of Industry Operations.

It is hereby ordered:

§ 1010.58 *Suspension Order S-58.* (a) Deliveries of material or equipment to Oscar W. Hedstrom Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be applied or assigned to such deliveries by any Preference Rating Certificate, Preference Rating Order, General Preference Order, or any other order or regulation of the Director of Industry Operations, except upon specific authorization of the Director of Industry Operations.

(b) No allocation to Oscar W. Hedstrom Corporation, its successors and assigns, shall be made of any material of which the supply or distribution is governed by any order of the Director of Industry Operations, except upon specific authorization of the Director of Industry Operations.

(c) Oscar W. Hedstrom Corporation shall not deliver, process or accept delivery of primary, secondary or scrap aluminum, or castings thereof, except upon specific authorization of the Director of Industry Operations.

(d) No person shall hereafter make delivery to or accept delivery from Oscar W. Hedstrom Corporation of primary, secondary or scrap aluminum or of castings thereof, except upon specific au-

thorization of the Director of Industry Operations.

(e) Nothing in this order relieves any person from compliance with the provisions of any conservation, limitation or other order or regulation of the Director of Industry Operations now or hereafter in force.

(f) This order shall take effect on June 26, 1942, and shall continue in effect until August 26, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5936; Filed, June 24, 1942;
2:37 p. m.]

PART 1047—CONSERVATION OF MATERIAL FOR THE OIL INDUSTRY

[Amendment 5—Conservation Order M-68]

Section 1047.1, *Conservation Order M-68*,¹ as heretofore amended, is hereby further amended by changing paragraph (j) thereof (which was added by Amendment 4—Conservation Order M-68) to read as follows:

(j) The provisions of this order shall be applicable to deliveries of material by any person located in the United States, its territories and possessions to any other person located in the United States, its territories and possessions, but not elsewhere. The provisions of this paragraph supersede Interpretation No. 1 of this order issued February 7, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of June, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5948; Filed, June 25, 1942;
10:42 a. m.]

PART 1047—CONSERVATION OF MATERIAL FOR THE OIL INDUSTRY

[Amendment No. 2—M-68-c, as Amended March 23, 1942]

Section 1047.4 *Conservation Order M-68-c*,² as amended March 23, 1942, is hereby amended by changing paragraph (i) thereof (which was added by Amendment No. 1 M-68-c, as amended March 23, 1942) to read as follows:

(i) The provisions of this order shall be applicable to deliveries of material by

¹ 6 F.R. 6687, 7 F.R. 281, 601, 1088, 3806.

² 7 F.R. 2272, 3806.

any person located in the United States, its territories and possessions to any other person located in the United States, its territories and possessions, but not elsewhere. The provisions of this paragraph supersede Interpretation No. 1 of this order, issued February 7, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5949; Filed, June 25, 1942;
10:43 a. m.]

PART 1217—Cocoa

[Supplementary Order M-145-b]

§ 1217.3 *Supplementary Order M-145-b.* Pursuant to order M-145,¹ which this order supplements, the Director of Industry Operations hereby determines that the quota of cocoa beans for processing by any person shall be, for the three-month period commencing July 1, 1942 and for each subsequent three-month period until otherwise ordered, 60% of the total amount of cocoa beans processed by him during the corresponding three-month period of 1941.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5945; Filed, June 25, 1942;
10:42 a. m.]

PART 1254—DENTAL EQUIPMENT AND SUPPLIES SIMPLIFICATION

[General Limitation Order L-139]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of the materials entering into the production of dental equipment and supplies and in the facilities available for the production of dental equipment and supplies; and the following order and the schedules issued pursuant thereto are deemed necessary and appropriate in the public interest and to promote the war effort.

§ 1254.1 *General Limitation Order L-139—(a) Issuance of schedules of simplification of lines.* The Director of Industry Operations may from time to

time issue schedules establishing simplified practices with respect to the types, sizes, forms, specifications or other qualifications for dental equipment, supplies, instruments and materials, and other similar products. After the effective date of any such schedule no such materials or products shall be produced, fabricated or processed except such as conform to the issued schedule and except as specifically permitted by such schedule. Any schedule issued pursuant hereto may also contain any other restrictions concerning such materials and products that may be deemed necessary and appropriate, such as restrictions on the sale, purchase, transfer, delivery and/or uses thereof.

(b) *Appeals.* Any person affected by this order or any schedule issued pursuant hereto who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order or such schedule would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board, (Ref: L-139) setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(c) *Applicability of Priorities Regulation No. 1.* This order (and any schedule issued pursuant thereto) and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order (or such schedule) shall govern.

(d) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, or any schedule issued pursuant hereto, shall, unless otherwise directed, be addressed to: War Production Board, Health Supplies Branch, Washington, D. C., Ref.: L-139.

(e) *Violations.* Any person who willfully violates any provision of this order or any schedule issued pursuant hereto, or who, in connection with this order or any such schedule, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719;

sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of June, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5947; Filed, June 25, 1942;
10:42 a. m.]

PART 1254—DENTAL EQUIPMENT AND SUPPLIES SIMPLIFICATION

[Schedule 1 to Gen. Lim. Order L-139]

DENTAL EXCAVATING BURS

§ 1254.2 *Schedule 1 to General Limitation Order L-139—(a) Definitions.* For the purposes of this order:

(1) "Dental excavating bur" means any bur used in an engine handpiece by dental practitioners for the purpose of excavating human teeth.

(2) "Blades" means the cutting edges of a dental excavating bur.

(b) *Simplified practices.* Pursuant to General Limitation Order L-139:

(1) The following types are hereby established for regular sized dental excavating burs for angle handpieces and straight handpieces:

Bur No.:	Number of blades
1/2	6
2	6
4	8
6	8
8	8 or 10
9	10
33 1/2	8
35	8
37	8
39	8
557	6 or 8
558	6 or 8
560	6 or 8
600	6 or 8
601	6 or 8
700	6 or 8
701	6 or 8
702	6 or 8

(2) The following types are hereby established for short-necked dental excavating burs for angle handpieces:

Bur No.:	Number of blades
2	6
4	8
35	8
37	8
557	6 or 8
560	6 or 8

(c) *Restrictions on manufacture.* After the date of issuance of this schedule, no person shall manufacture, fabricate or process any dental excavating burs which do not conform to the types, sizes and standards established by Paragraph (b) hereof. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as

¹ 7 F.R. 3480.

amended by Pub. Laws 89 and 507, 77th Cong.)

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5946; Filed, June 25, 1942;
10:42 a. m.]

Chapter XI—Office of Price Administration

PART 1363—FEEDINGSTUFFS

[Amendment 1 to Maximum Price Regulation 74, as amended¹]

ANIMAL PRODUCT FEEDINGSTUFFS

A Statement of the Considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

In § 1363.62, paragraph (a) is amended to read as set forth below and a new paragraph (e) is added. A new § 1363.61a is added.

§ 1363.62 *Appendix A: Maximum prices for sales of animal product feedingstuffs.* (a) Maximum prices for sales of the following classifications of animal product feedingstuffs, bulk, less than carload lots, f. o. b. conveyance at production plant or seller's warehouse located in the following zones.

(1) *Maximum prices for sales of dry rendered tankage.*

Zone 1—California, Washington and Oregon. \$50.50 per ton, basis 50 percent protein, or \$1.01 per unit of protein, for other grades.

Zone 2—Idaho, Nevada, Utah, Montana, Wyoming, and Arizona. \$54.50 per ton, basis 50 percent protein, or \$1.09 per unit of protein for other grades.

Zone 3—North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa and Buchanan County, Missouri. \$62.50 per ton, basis 50 percent protein, or \$1.25 per unit of protein for other grades.

Zone 4—Michigan, Wisconsin, Illinois, Indiana, Ohio, Missouri (except Buchanan County), Kentucky, Oklahoma, Arkansas, Louisiana, Texas, Colorado, and New Mexico. \$60.50 per ton, basis 50 percent protein, or \$1.21 per unit of protein for other grades.

Zone 5—Tennessee, Alabama, Florida, Georgia, Mississippi, and South Carolina. \$58.50 per ton, basis 50 percent protein, or \$1.17 per unit of protein for other grades.

Zone 6—West Virginia, western 25 counties of Pennsylvania including all counties west of the eastern borders of the following counties: Potter, Cameron, Clearfield, Cambria, and Somerset; and western ten counties of New York including all counties west of the eastern borders of the following counties: Monroe, Livingston, and Allegany. \$57.50 per ton, basis 50 percent protein, or \$1.15 per unit of protein for other grades.

Zone 7—Three portions of New York and Pennsylvania not included in Zone

6, New Jersey, Delaware, Maryland, Virginia, North Carolina and the District of Columbia. \$54.50 per ton, basis 50 percent protein, or \$1.09 per unit of protein for other grades.

Zone 8—Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island. \$55.50 per ton, basis 50 percent protein, or \$1.11 per unit of protein for other grades.

(2) *Maximum prices for sales of meat scraps.* \$7.50 per ton more than the maximum zone price for dry rendered tankage of the same grade.

(3) *Maximum prices for sales of wet rendered tankage.*

Zone 1—Washington, Oregon, California, Nevada, Utah, Idaho, and Arizona. \$4.96 per unit of ammonia, equivalent to \$0.992 per unit of protein.

Zone 2—All states except those listed in Zone 1 and Zone 3. \$5.37 per unit of ammonia equivalent to \$1.075 per unit of protein.

Zone 3—Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Virginia, West Virginia, Maryland, Delaware, North Carolina, South Carolina and the District of Columbia. \$4.96 per unit of ammonia, equivalent to \$0.992 per unit of protein.

(4) *Maximum prices for sales of digester tankage.* \$6.50 per ton more than the maximum zone price for wet rendered tankage of the same grade.

(5) *Maximum prices for sales of other guaranteed minimum percentages of protein or ammonia.* To determine the maximum zone price, bulk basis, per ton for sellers who guarantee percentages of ammonia or protein other than those specified in subparagraph (1) or (3) of this paragraph (a), multiply the guaranteed minimum percentage of ammonia or protein by the zone price per unit of ammonia or per unit of protein. There shall be no increase in maximum prices on account of bone phosphate of lime content. There shall be no rounding of maximum prices.

* * *

(e) *Maximum prices for sales of imported animal product feedingstuffs.* The maximum prices for animal product feedingstuffs imported into the continental United States f. o. b. inland conveyance at port of entry, is the maximum price for animal product feedingstuffs of the same classification and grade for the zone where the port of entry is located as determined under paragraphs (a) and (b) of this section basing the cost of bags or other containers according to their replacement cost at the port of entry. The maximum prices shall include all charges, such as duty, insurance, freight and handling charges incidental to placing animal product feedingstuffs aboard the inland conveyance at port of entry.

§ 1363.61a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1363.62 (a) and 1363.62 (e)) to Maximum Price Regulation No. 74, as

amended, shall become effective June 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5957; Filed, June 25, 1942;
11:12 a. m.]

PART 1393—ICE

[Amendment 2 to Maximum Price Regulation 154¹]

PROVISIONS OF GENERAL REGULATION INCORPORATED

A Statement of Considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In § 1393.6, a new paragraph (b) is added as set forth below:

§ 1393.6 *Incorporation of the provisions of the General Maximum Price Regulation.* * * *

(b) Any seller at retail who is able to show that the maximum price for ice established for him under the provisions of § 1393.9 of this Maximum Price Regulation No. 154 is so low as to cause him substantial hardship and make it impossible for him to continue selling or supplying ice, and that such discontinuance by him will cause his customers substantial inconvenience disproportionate to the needs of the national or local economy, may file an application for adjustment of that maximum price in accordance with Temporary Procedural Regulation No. 2.³

* * *
§ 1393.8 *Effective date of amendments.* * * *

(b) Amendment No. 2 (§ 1393.6 (b)) to Maximum Price Regulation No. 154 shall become effective June 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of June, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5958; Filed, June 25, 1942;
11:11 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[Amendment 5 to Maximum Price Regulation 127⁴]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith

¹ 7 F.R. 3903.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4330, 4487, 4668.

³ 7 F.R. 3522.

⁴ 7 F.R. 3119, 3242, 4180, 4454, 4587.

and has been filed with the Division of the Federal Register.

Subparagraphs (3) and (4) of paragraph (a) of § 1400.81 and subparagraph (1) of paragraph (i) of § 1400.82 are amended to read as follows:

§ 1400.81 *Definitions.* (a) When used in this Maximum Price Regulation No. 127, the term:

(3) "Class I purchaser" includes an export merchant, foreign purchaser or agent of a foreign purchaser, any agency of the federal government, any agency of a state, county or municipal government, a cutter, manufacturer, converter-jobber, jobber or wholesaler (except as provided in subparagraph (4) of this paragraph), and any similar class of purchaser not specifically enumerated herein.

(4) "Class II purchaser" includes a retailer (whether independent retailer, chain store or mail order house), private hospital or other similar private institution, hotel, steamship company, canvasser, tailor supply store, tailor trimming store, decorative goods jobber, interior decorator, and any similar class of purchaser not specifically enumerated herein.

§ 1400.82 *Appendix A: maximum prices for finished piece goods.* * * *

(i) *Wholesalers and jobbers.*—(1) *General provisions.* Subject to the other provisions of this paragraph, the maximum price for finished piece goods sold in the performance of a recognized distributive function¹¹ by a wholesaler, jobber or converter-jobber selling jobbed goods, shall be computed by dividing the actual cost¹² by .83 if the sale is to a Class II purchaser and by dividing the actual cost by .88 if the sale is to a Class I purchaser: *Provided*, That contracts entered into between May 4, 1942, and June 3, 1942, at prices in compliance with the provisions of this Maximum Price Regulation No. 127 (§§ 1400.71 to 1400.84, inclusive), as then in force, may be carried out at the contract price.

¹¹ No sale is made "in the performance of a recognized distributive function" within the meaning of this Maximum Price Regulation No. 127 unless it advances the goods sold to the next stage of distribution.

¹² The actual cost may include only (a) the invoice price of the finished piece goods less all discounts taken (which must not, for any purchases made on or after May 4, 1942, exceed the maximum price established by this Maximum Price Regulation No. 127) and (b) the actual transportation charges incurred by the wholesaler or jobber with respect to such finished piece goods. If the goods are transported in a conveyance other than a commercial carrier, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate.

A wholesaler, jobber or converter-jobber, where he mingles in his inventory separate lots of the same pattern of printed goods or separate lots of the same bleached goods, or separate lots of the same dyed goods, which he acquired at varying prices, may take the weighted average cost of such mingled lot for the purpose of determining his actual cost thereof: *Provided*, That if any unsold

§ 1400.85 *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§§ 1400.81 (a) (3) and (4) and 1400.82 (i) (1)) to Maximum Price Regulation No. 127 shall become effective June 25, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5956; Filed, June 25, 1942;
11:09 a. m.]

PART 1412—SOLVENTS

[Maximum Price Regulation 170]

ANTI-FREEZE

In the judgment of the Price Administrator, seasonal and other factors affecting the sale of anti-freeze by manufacturers and distributors thereof have resulted in the establishment, under the General Maximum Price Regulation,¹ of maximum prices for such sales which are not generally representative and which are not best calculated to assist in securing adequate distribution of such anti-freeze.

In the judgment of the Price Administrator, the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1² issued by the Office of Price Administration, Maximum Price Regulation No. 170 is hereby issued.

Sec.

- 1412.1 Maximum prices for anti-freeze.
- 1412.2 Less than maximum prices.
- 1412.3 Evasion.
- 1412.4 Adjustable pricing.
- 1412.5 Records and reports.
- 1412.6 Marking and posting.
- 1412.7 Enforcement.
- 1412.8 Petitions for amendment.
- 1412.9 Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.
- 1412.10 Federal and state taxes.
- 1412.11 Applicability of General Maximum Price Regulation.
- 1412.12 Definitions.
- 1412.13 Appendix A: Maximum prices for anti-freeze.
- 1412.14 Effective date.

AUTHORITY: §§ 1412.1 to 1412.14, inclusive, issued under Pub. Law 421, 77th Cong.

portion of a lot on which an average cost has been determined is subsequently combined with another lot, the previously determined weighted average cost of such unsold portion shall be used for such unsold portion in computing the weighted average cost of the newly mingled lot.

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339.

² 7 F.R. 971, 3663.

§ 1412.1 *Maximum prices for anti-freeze.* (a) On and after June 30, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver anti-freeze and no person shall buy or receive anti-freeze in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1412.13; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of anti-freeze to a purchaser if prior to June 30, 1942, such anti-freeze had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) Nothing in this Maximum Price Regulation No. 170, or in the General Maximum Price Regulation,¹ shall apply to sales or deliveries of anti-freeze other than those sales or deliveries for which maximum prices are established in Appendix A hereof (§ 1412.13), except as provided in § 1412.9.

(c) Nothing in this Maximum Price Regulation No. 170 shall apply to sales or deliveries of wood alcohol for which maximum prices are established by Revised Price Schedule No. 34² or to sales or deliveries of ethyl alcohol for which maximum prices are established by Revised Price Schedule No. 28.⁴

§ 1412.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A hereof (§ 1412.13) may be charged, demanded, paid or offered.

§ 1412.3 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 170 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to anti-freeze alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding or otherwise.

§ 1412.4 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1412.5 *Records and reports.* (a) On and after June 30, 1942, every person making purchases or sales of anti-freeze in the course of trade or business shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of every such purchase or sale except sales at retail, showing the date

³ 7 F.R. 1269, 1836, 2000, 2132.

⁴ 7 F.R. 1257, 1836, 2000, 2132, 3775.

thereof, the name and address of the buyer and of the seller, the price contracted for or received, and the quantity of such anti-freeze purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may, from time to time, require.

(c) Any seller who has customarily given a purchaser a sales slip, receipt or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, a description of the anti-freeze sold, and the price received for it.

(d) Every person selling Type P anti-freeze shall preserve all of his existing records relating to the price which he charged for Type P anti-freeze during that month of the six month period ending March 31, 1942, in which he delivered the largest amount of such anti-freeze.

§ 1412.6 *Marking and posting*—(a) *By persons packaging anti-freeze.* (1) On and after June 30, 1942, every person who packages anti-freeze in containers shall clearly and conspicuously mark on the outside of such containers the following information:

(i) The type of anti-freeze contained therein, that is, "Type N", "Type S", or "Type P", as the case may be.

(ii) The strength of the anti-freeze contained therein, that is, "standard" or "substandard", as the case may be.

(iii) The applicable maximum retail price as established by Appendix A hereof (§ 1412.13) for the anti-freeze contained therein. Such price shall be designated as follows: "O. P. A. Retail Ceiling Price \$-----".

(2) Such information shall be printed in letters at least two inches high on containers of more than 5 gallons, and in letters at least as large as any other printed matter thereon on containers of 5 gallons or less.

(b) *By retailers.* (1) Every person selling anti-freeze at retail shall post the maximum price of each Type (N, S, or P), strength (standard or substandard), and brand of anti-freeze sold by him, in a manner plainly visible to and understandable by the purchasing public. The maximum price may be posted on the shelf, bin, or rack upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale, and shall be marked "Ceiling Price \$-----".

(2) Every person selling anti-freeze at retail from containers of more than 5 gallons which do not have properly marked thereon the information required by paragraph (a) of this section shall mark such information on such containers in the form and manner prescribed in said paragraph.

§ 1412.7 *Enforcement.* (a) Persons violating any provision of this Maximum

Price Regulation No. 170 are subject to criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 170 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State, Field, or Regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1412.8 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 170 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1412.9 *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 170 selling at wholesale or retail any anti-freeze covered by this Maximum Price Regulation No. 170. When used in this § 1412.9, the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

§ 1412.10 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of anti-freeze imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such anti-freeze and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during any part of the six-month period ending March 31, 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during any part of the six-month period ending March 31, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 170.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price,

the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 170.

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1412.11 *Applicability of General Maximum Price Regulation.* Except as provided in § 1412.9 hereof, the provisions of this Maximum Price Regulation No. 170 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Regulation.

§ 1412.12 *Definitions.* (a) When used in this Maximum Price Regulation No. 170, the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Anti-freeze" means any alcohol or alcohol formulation sold for use as a depressant of the freezing point of water.

(3) "Alcohol" means a monohydric or polyhydric aliphatic alcohol from the group consisting of methyl alcohol, ethyl alcohol, isopropyl alcohol, and ethylene glycol.

(4) "Standard anti-freeze" means any anti-freeze which when added to water in the proportion of $\frac{3}{4}$ of a gallon or less of such anti-freeze to one gallon of water reduces the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit or lower.

(5) "Sub-standard anti-freeze" means anti-freeze which must be added to water in the proportion of more than $\frac{3}{4}$ of a gallon of such anti-freeze to one gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit.

(6) "Type F" anti-freeze means an anti-freeze containing at least 85% ethylene glycol by weight.

(7) "Type N" anti-freeze means anti-freeze which has as its principal component fermentation ethyl alcohol or natural wood distilled methyl alcohol.

(8) "Type S" anti-freeze means anti-freeze which has as its principal component synthetic ethanol, synthetic methanol, methanol-isopropyl alcohol

mixtures, or mixtures of fermentation ethyl alcohol or wood distilled methyl alcohol with any of the foregoing.

(9) "Manufacturer" means any person who produces anti-freeze.

(10) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer.

(11) "Retailer" means a seller making sales at retail.

(12) "Purchaser of the same class" means a purchaser of the same kind (for example, distributor, jobber, fleet owner, individual consumer) buying under the same or similar conditions of sale.

(13) "Seller of the same class" means a seller (i) performing the same function (for example, manufacturing, distributing, jobbing, retailing) (ii) of similar type (for example, gasoline stations, mail order houses, general stores, cut-rate stores) (iii) dealing in the same type of commodities, and (iv) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (a) is selling anti-freeze of the same type, and (b) is closely competitive in the sale of such anti-freeze, and (c) is located nearest to the seller.

(14) "Manufacturer's shipping point" means the point at which anti-freeze is delivered by the manufacturer to a carrier for shipment to a purchaser.

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 170.

§ 1412.13 *Appendix A: Maximum prices for anti-freeze*—(a) *Standard anti-freeze, Type N and Type S*, Maximum prices for standard Type N and Type S anti-freeze are established as follows:

(1) *Sales by manufacturers to persons other than retailers.*

	Per gallon delivered	
	Type N	Type S
(i) Tank cars.....	\$0.58	\$0.34
(ii) Tank truck deliveries:		
Over 500 gallons.....	.60	.36
Less than 500 gallons.....	.62	.38
(iii) Carload lots (containers included):		
(a) Containers over 35 gallons.....	.70	.46
(b) Containers over 5 gallons and including 35 gallons.....	.72	.46
(c) Containers of 1 to 5 gallons inclusive.....	.76	.46
(d) Containers less than 1 gallon.....	.80	.51

(iv) Less than carload lots: Five cents per gallon may be added to the appropriate prices established above for deliveries in carload lots, f. o. b. manufacturer's shipping point.

(2) *Sales to retailers by any person.*

	Per gallon delivered	
	Type N	Type S
(i) Containers over 35 gallons.....	\$0.87	\$0.61
(ii) Containers over 5 gallons and including 35 gallons.....	.90	.62
(iii) Containers of 1 and including 5 gallons.....	.94	.65
(iv) Containers less than 1 gallon.....	.99	.70

(3) *Sales at retail.* Delivered (including installation in automobile cooling system where buyer so requests).

	Per gallon	
	Type N	Type S
(i) In Quantities of 1 gallon or more.....	\$1.40	\$1.10
(ii) In Quantities of less than 1 gallon.....	\$0.35	\$0.28

(b) *Sub-standard anti-freeze, Type N and Type S.* For sales covered by subparagraphs (1), (2), and (3) of paragraph (a) of this section, the maximum price for any quantity of substandard anti-freeze of Type N or Type S, in any kind of container, shall be the maximum price, as determined under whichever one of said subparagraphs (1), (2), or (3) is applicable, for that quantity of standard anti-freeze of the same type, in the same kind of container, which would produce an anti-freeze effect equal to that produced by the quantity of substandard anti-freeze being priced. Such maximum price shall not exceed the price determined by computation under the following formula: Subtract 25% from the maximum price for a quantity of standard anti-freeze of the same type (in like containers) equal to the quantity of substandard anti-freeze being priced, and divide the result by the number of gallons of such substandard anti-freeze which must be added to 1 gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit.

(c) *Standard anti-freeze, Type P.*

(1) The maximum price which any seller may charge for standard Type P anti-freeze shall be the highest price which such seller charged on a delivery of standard Type P anti-freeze in like containers in similar amounts to a purchaser of the same class during that month of the six month period ending March 31, 1942, in which such seller delivered the largest amount of Type P anti-freeze. This maximum price in the case of sales at retail shall not exceed \$2.65 per gallon on sales in quantities of 1 gallon or more or \$.70 per quart on sales in quantities of less than one gallon. Such maximum prices include installation in automobile cooling systems where the buyer so requests.

(2) If a seller cannot determine a maximum price for standard Type P anti-freeze under subparagraph (1), he shall take as his maximum price the maximum price to a purchaser of the same class as established under subparagraph (1) for the seller's most closely competitive seller of the same class for whom such a maximum price has been established under subparagraph (1).

(d) *Sub-standard anti-freeze, Type P.* The maximum price for any quantity of sub-standard Type P anti-freeze, in any kind of container and to any class of purchaser, shall be the maximum price for that quantity of standard Type P anti-freeze, in like containers and to the same class of purchaser, which would produce an anti-freeze effect equal to that produced by the quantity of sub-standard Type P anti-freeze being priced. Such maximum price shall not exceed the price determined by computation

under the following formula: subtract 25% from the maximum price (to the same class of purchasers) for a quantity of standard Type P anti-freeze (in like containers) equal to the quantity of sub-standard Type P anti-freeze being priced, and divide the result by the number of gallons of such sub-standard Type P anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit.

(e) *Containers.* The maximum prices established by this Maximum Price Regulation No. 170 shall not be increased by any charges for containers. Seller may, however, require the return of containers, but in such case the maximum prices which may be charged are the maximum prices set forth in paragraphs (a) to (d) above less \$.025 per gallon. When sales are made upon a container returnable basis, seller may require a reasonable deposit for the return of such containers, but such deposit must be refunded to the buyer upon the return of the container in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to seller shall in all cases be borne by seller.

(f) *Credit charges.* The maximum prices established by this Maximum Price Regulation No. 170 shall not be increased by any charges for the extension of credit.

§ 1412.14 *Effective date.* This Maximum Price Regulation No. 170 (§§ 1412.1 to 1412.14) shall become effective June 30, 1942.

Issued this 25th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5959; Filed, June 25, 1942; 11:13 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 5—REGULATIONS, UNITED STATES COAST GUARD AUXILIARY

REIMBURSEMENT FOR OPERATING EXPENSE AND DAMAGE; AMENDMENTS

The Regulations, United States Coast Guard Auxiliary (6 F.R. 1356), as amended, are hereby further amended as follows:

1. Section 5.0 is amended by revising the second sentence of section 8 of the Coast Guard Auxiliary and Reserve Act of 1941 appearing therein to read as follows:

SEC. 8. . . . The term "actual necessary expenses of operation", as used herein shall include fuel, oil, water, supplies, provisions, and any replacement or repair of equipment or any repair of the motorboat or yacht, where it is determined under regulations prescribed by the Commandant that responsibility for the loss or damage necessitating such replacement or repair of equipment or such repair of the motorboat or yacht rests with the Coast Guard;

and by revising the second sentence of section 9 of such Act to read as follows:

Sec. 9. * * * Any member performing such service shall, upon authorization by the Commandant, be entitled to actual necessary traveling expense, including subsistence or a per diem in lieu thereof, as prescribed for civilian employees of the Government.

2. Section 5.5 is amended by changing paragraph (b) to read as follows:

(b) If upon its return a vessel is found to be damaged in any respect, the District Coast Guard Officer shall be notified of the damage by the officer in charge and shall, in accordance with Coast Guard regulations governing damage to vessels of the Coast Guard, which are hereby extended to Auxiliary vessels being operated by the Coast Guard, cause the responsibility for such damage to be fixed. If it is found that the responsibility for the damage rests with the Coast Guard, the vessel may be either (a) repaired in accordance with the customary practice for repairing Coast Guard vessels, or (b) repaired by the member at his own expenses, for which reimbursement will be made by the Coast Guard;

by deleting paragraph (c); and by changing paragraph (d) to read as follows:

(d) In cases where equipment of a vessel loaned by a member to the Coast Guard is reported lost, missing, or damaged, the District Coast Guard Officer shall fix the responsibility therefor, and if it is found that such responsibility rests with the Coast Guard, the member will be reimbursed by the Coast Guard for the replacement or repair of such equipment.

3. The Table of Contents is amended accordingly.

R. R. WAESCHE,
Commandant.

Approved: June 23, 1942.

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 42-5944; Filed, June 25, 1942;
10:10 a. m.]

PART 8—REGULATIONS, U. S. COAST GUARD RESERVE

MISCELLANEOUS AMENDMENTS

The Regulations, United States Coast Guard Reserve, 1941 (6 F.R. 1925), as amended,¹ are hereby further amended as follows:

1. Section 8.1105 is amended to read as follows:

§ 8.1105 *Ranks, grades, and ratings allowed.* There shall be allowed in the Reserve the various ranks, grades, and ratings, including cadets, corresponding to those in the Coast Guard, except that the highest rank in the Reserve is that of captain, but no original appointment may be made to a rank above that of lieutenant commander.

¹ 6 F.R. 6805; 7 F.R. 822.

2. Change the period at the end of § 8.1107 to a comma and add thereafter the following:

§ 8.1107 *Powers and duties of Reservists.* * * * but temporary reservists are not exempt as such from liability for selective training and service under the Selective Training and Service Act of 1940, as amended.

3. Delete the words "duty, including" appearing in § 8.1201 and substitute therefor the word "or".

4. Change the period at the end of § 8.1401 (a) to a comma and add thereafter the following:

§ 8.1401 *Physical examinations of reservists; when required.* (a) * * * and except that a candidate for enrollment as a temporary reservist for duty in class (e) or (f), as specified in § 8.2207, shall not be required to take a physical examination.

5. Section 8.2201 is amended to read as follows:

§ 8.2201 *Educational requirements, commissioned officers.* A candidate for appointment as a regular commissioned officer in the Reserve, except a candidate who is a chief warrant officer, warrant officer, or enlisted man of the Coast Guard, must have such educational qualifications as may be prescribed from time to time and have sufficient experience in the operation of motor boats or yachts or on seagoing vessels to justify the appointment desired: *Provided,* That boat or seagoing experience shall not be required of candidates who are found by the Commandant to be qualified by reason of their education and experience for special duty.

6. Change the period at the end of the first sentence of § 8.2204 to a comma and add thereafter the following:

§ 8.2204 *Entrance examinations.* * * * or of qualified persons who have been issued licenses to serve as masters, mates, or engineers on ocean, coastwise, or Great Lakes vessels of the United States.

7. Insert the following new sections:

§ 8.2206 *Procurement of temporary Reservists.* District Coast Guard officers are charged with responsibility for the procurement of temporary reservists pursuant to such instructions as are issued from time to time by Headquarters, and Headquarters is charged with the approval or disapproval of enrollments which shall be submitted to Headquarters by list each month. Persons eligible for enrollment as temporary reservists must be over 17 years of age and must (a) be members of the Auxiliary, or (b) be officers or members of the crew of any motorboat or yacht of the Auxiliary which is placed at the disposal of the Coast Guard, or (c) have such special training and experience as in the opinion of the Commandant qualify them for duty in one of the classes set forth in § 8.2207. One enrollment as a temporary reservist will suffice for the duration of the war or for such other

period as a temporary reservist may volunteer his services, regardless of the type of duty that he will be expected to perform.

§ 8.2207 *General nature of duties of temporary Reservists.* The primary purpose of creating this class of reservist is to enable the Coast Guard to utilize on special assignments of a wide variety the part-time services of especially well qualified men. The powers and duties of these reservists and the tenure, conditions and place of their active duty will be set forth in their orders. In general, the duties of temporary reservists may be classified as follows:

(a) Full time general service duty for the duration of the war, or for a specified period;

(b) Full time special service duty for the duration of the war, or for a specified period;

(c) Part-time general service duty for the duration of the war, or for a specified period;

(d) Part-time special service duty for the duration of the war, or for a specified period;

(e) Special assignment duty on a part-time or intermittent basis; and

(f) Rescue, observation and anti-submarine duty under a Sea Frontier Commander.

§ 8.2208 *Transfer of temporary Reservists.* Notwithstanding any other provision of these regulations, temporary reservists who are enrolled for special assignment duty on a part-time or intermittent active duty basis will not be subject to transfer without their consent from the vessel or place of their performance of active duty, and their orders shall so state.

§ 8.2209 *Applicability of other provisions to temporary Reservists.* As far as practicable and where not inconsistent with the nature of the status of temporary reservists, all provisions of the Regulations for the government of the Reserve will, unless otherwise indicated, be applicable to temporary reservists.

8. Section 8.3102 is deleted.

9. Section 8.4301 is deleted.

10. Section 8.7101 is amended by inserting the word "cadets" after the words "commissioned officers," in the first line; by striking out the words "duty, on active duty while undergoing training, on training duty with pay" appearing in the second and third lines and substituting therefor the words "or training duty in a pay status"; and by inserting the word "midshipmen" after the words "commissioned officers" in the fifth line.

11. Section 8.7102 is amended by inserting the words "in a pay status" after the word "duty" in the second line.

12. Section 8.7103 is amended by deleting the words "with pay" in the first line, and by inserting the words "in a pay status", before the word "including" in the second line.

13. Section 8.7110 (b) is amended by striking out the words "on active duty, training duty with pay, or active duty

while undergoing training" appearing in the first and second lines and substituting therefor the words "in a pay status".

14. Section 8.7111 (b) is amended by inserting the words "in a pay status" after the word "duty" in the first line.

15. Section 8.7112 (a) is amended by inserting the word "regular" before the word "commissioned" in the second line; paragraph (c) is amended by inserting the word "regular" in the first parenthetical phrase before the word "chief", and inserting the same word in the second parenthetical phrase before the word "enlisted"; paragraph (d) is amended by inserting the word "regular" before the word "officers" in the second line; and paragraphs (e) and (f) are renumbered as paragraphs (f) and (g), and a new paragraph (e) reading as follows is inserted:

(e) The uniform allowance for temporary officers of the Reserve will be as determined by Headquarters from time to time, but not all temporary reserve officers will receive a uniform allowance.

16. Section 8.8102 (b) is amended to read as follows:

§ 8.8102 *Uniforms required, Officers.* * * *

(b) The uniform outfit for temporary officers will be as prescribed from time to time.

17. The Table of Contents is amended accordingly.

R. R. WAESCHE,
Commandant.

Approved: June 23, 1942.

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 42-5940; Filed, June 25, 1942;
10:10 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 201—PROCEDURE FOR THE STIPULATION OF CONDITIONS IN GOVERNMENT PURCHASE CONTRACTS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by section 4 of the Act approved June 30, 1936, 49 Stat. 2036, 41 U.S.C., Secs. 35-45, I hereby amend §§ 201.601, 201.602, 201.1101 and 201.1201, Regulations No. 504,¹ prescribed by the Secretary of Labor under Public Act No. 846, Seventy-fourth Congress (Series A) by substituting for the words, "through the Procurement Division of the Treasury for submission to the Department of Labor for consideration and shall be returned through the Procurement Division" in the last paragraph of § 201.601, the words "to the Public Contracts Division of the Department of Labor"; and by substituting for the words "Procurement Division of the Treasury" in the last sentence of § 201.602, the words "Public Contracts Division of the Department of Labor"; and by substituting for the words "through circular letters of the Procure-

ment Division of the Treasury" in the last paragraph of § 201.1101, the words "by the Public Contracts Division of the Department of Labor"; and by substituting for the words "duplicate on forms provided for this purpose, a statement showing the name of the contracting agency, the purchase order number, the material purchased, the date of award, the contract price, the proposed date of delivery, the contractor's name and address, and the name and location of the plant or plants fabricating or supplying the subject matter of the contract" in § 201.1201, the words "quadruplicate on a form provided for this purpose the information required by such form" so that the sections as amended will read as follows:

§ 201.601 *Requests for exceptions and exemptions.* (a) (1) Request for the exception or exemption of a contract or class of contracts from the inclusion of application of one or more of those stipulations required by § 201.1 must be made by the head of a contracting agency or department and shall be accompanied with a finding by him setting forth reasons why such inclusion or application will seriously impair the conduct of Government business.

(2) Request for the exception or exemption of a stipulation respecting minimum rates of pay and maximum hours of labor contained in an existing contract must be made jointly by the head of the contracting agency and the contractor and shall be accompanied with a joint finding by them setting forth reasons why such exception or exemption is desired.

(b) All requests for exceptions or exemptions shall be transmitted to the Public Contracts Division of the Department of Labor.

§ 201.602 *Decisions concerning exceptions and exemptions.* Decisions concerning exceptions and exemptions shall be in writing and approved by the Secretary of Labor or officer prescribed by him, originals being filed in the Department of Labor, and certified copies shall be transmitted to the department or agency originating the request, to the Comptroller General, and to the Procurement Division of the Treasury. All such decisions shall be promulgated to all contracting agencies by the Public Contracts Division of the Department of Labor.

§ 201.1101 *Minimum wages.* (a) Until a determination of the prevailing minimum wage for a particular industry or group of industries has been made by the Secretary of Labor prior to the invitation for bids, the stipulation with respect to wages in section 1 (b) of the Act will be inoperative, as provided in § 201.1 (b) of these regulations.

(b) Determinations of prevailing minimum wages or changes therein will be published in the FEDERAL REGISTER and sent to contracting officers by the Public Contracts Division of the Department of Labor. Such determinations will be effective upon the dates fixed therein.

§ 201.1201 *Reports of contracts awarded.* Whenever the contracting officer shall award a contract in which the

stipulations required under § 201.1 are operative, he shall furnish the Department of Labor in quadruplicate on a form provided for this purpose the information required by such form. (Sec. 4, 49 Stat. 2038; 41 U.S.C. 38)

Dated June 23, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-5360; Filed, June 25, 1942;
11:16 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Ex Parte No. 73]

PART 142—EXTENSION OF CREDIT TO SHIPPERS

ORDER REGARDING INTERLINE SETTLEMENT OF REVENUES

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 9th day of June, A. D. 1942.

Section 3 (2) of the Interstate Commerce Act being under further consideration:

It is ordered, That the Commission's Rules and Regulations for Payment of Rates and Charges of Carriers by Railroad and Part 142 of the Code of Federal Regulations be, and they are hereby, amended by adding the following section:

§ 142.15 *Interline settlement of revenues.* Nothing in this part shall be interpreted as affecting the interline settlement of revenues from traffic which is transported over through routes composed of lines of common carriers subject to Parts I, II, or III of the Interstate Commerce Act.

And it is further ordered, That this order shall become effective forthwith and shall continue in effect until the further order of the Commission.

By the Commission, division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 42-5950; Filed, June 25, 1942;
11:02 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. C-1]

PUBLIC SERVICE COMPANY OF INDIANA

ORDER DENYING APPLICATION FOR EXEMPTION

In the matter of the application of Public Service Company of Indiana, Inc., for exemption under section 4-A of the Bituminous Coal Act of 1937.

On October 22, 1941, Public Service Company of Indiana, Inc., filed an application pursuant to section 4-A of the Bituminous Coal Act of 1937 for exemp-

¹ 1 F.R. 1405.

tion of the coal produced at a portion of its Edwardsport Mine in District No. 11.

On June 11, 1942, counsel for the applicant and the General Counsel of the Division entered into a stipulation which recited in substance that the mining, preparation and disposition of the coal produced at the portion of the Edwardsport Mine involved in this docket are substantially identical with the mining, preparation and disposition of the coal produced at other portions of the Edwardsport Mine as to which similar applications for exemption in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD and 1462-FD were denied by Order of the Acting Director, dated January 21, 1942, such denials to become effective upon the establishment of temporary or permanent minimum prices for the coals involved in these dockets, and in no event later than sixty (60) days from January 21, 1942. By subsequent Orders of the Acting Director, dated March 18, April 23, and May 21, 1942, the effective date of the Order of January 21, 1942, has been extended to not later than one hundred and fifty (150) days from January 21, 1942. The stipulation further provides that applicant waives a hearing of the matters involved herein and consents to the denial of its application for exemption in this docket, provided such denial shall become effective as soon as the Order, dated January 21, 1942, in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD and 1462-FD, as heretofore or hereafter modified or amended, becomes effective and not prior thereto.

Now, therefore, it is ordered, That pursuant to the aforesaid stipulation of June 11, 1942, the application for exemption heretofore filed by Public Service Company of Indiana, Inc., in Docket No. C-1 be, and it hereby is, denied, effective as soon as the Order dated January 21, 1942, in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, and 1462-FD, as heretofore or hereafter modified or amended, becomes effective and not prior thereto.

Dated: June 22, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5951; Filed, June 25, 1942;
11:04 a. m.]

[Docket No. A-1476]

DISTRICT BOARD 18

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 18 for the establishment of certain minimum prices.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 28, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the

Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 23, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the petition.

The matter concerned herewith is in regard to the petition of District Board No. 18 for the establishment of the following minimum prices, in cents per net ton, for the coals, in the size groups specified, produced in Subdistrict Nos. 1 and 2 of District 18 for shipment by rail into Market Area No. 241:

Size group No.-----	11	12	13
Subdistrict No. 1: Proposed			
minimum prices-----	190	170	---
Subdistrict No. 2: Proposed			
minimum prices-----	225	200	165

Dated: June 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5952; Filed, June 25, 1942;
11:04 a. m.]

[Docket No. B-282]

WEST VIRGINIA-PITTSBURGH COAL
COMPANY

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 6, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on June 6, 1942, by Bituminous Coal Producers Board for District No. 6, com-

plainant, with the Bituminous Coal Division (the "Division"), alleging willful violation by West Virginia-Pittsburgh Coal Company (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on August 4 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 518, Bulkley Building, Cleveland, Ohio.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has willfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said

complainant, alleging wilful violations by the above-named Code member as follows: That said Code member, whose address is 1260 Leader Building, Cleveland, Ohio, and whose code membership became effective as of June 18, 1937, subsequent to September 30, 1940, sold to Weirton Steel Company, Weirton, West Virginia, substantial quantities of coal produced by said Code member at its Gilchrist and Locust Grove Mines, Mine Index Nos. 12 and 15, respectively, located in Brooke County, West Virginia, District No. 6, on an f. o. b. mine basis, at prices below the effective minimum prices therefor, as established and set forth in the Schedule of Effective Minimum Prices for District No. 6 for All Shipments Except Truck (the "Schedule"), including the following transactions:

1. The sale and delivery during the month of January 1941 of approximately

(a) 3,336.55 tons of $\frac{3}{4}$ " lump coal at \$1.90 per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was \$2.05 per net ton f. o. b. said mines, as established and set forth in said Schedule;

(b) 3,612.35 tons of $\frac{3}{4}$ " slack coal at 90 cents per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was \$1.65 per net ton f. o. b. said mines, as established and set forth in said Schedule;

2. The sale and delivery during the period from October 1, 1940, to January 1, 1941, both dates inclusive, of approximately

(a) 3,413 tons of $\frac{3}{4}$ " lump coal at \$1.90 per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was \$2.05 per net ton f. o. b. the mines, as established and set forth in said Schedule;

(b) 6,007 tons of $\frac{3}{4}$ " slack coal at 90 cents per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was \$1.65 per net ton f. o. b. the mines, as established and set forth in said Schedule;

3. The sale and delivery during the month of February 1941 of approximately

(a) 372.55 tons of $\frac{3}{4}$ " lump coal at \$1.90 per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was \$2.05 per net ton f. o. b. the mines, as established and set forth in said Schedule;

(b) 356.80 tons of $\frac{3}{4}$ " slack coal at 90 cents per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was \$1.65 per net ton f. o. b. the mines, as established and set forth in said Schedule;

(c) 3,304 tons of $\frac{1}{4}$ " lump coal at \$1.90 per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was \$2.05 per net ton f. o. b. the mines, as established and set forth in said Schedule;

4. The sale and delivery during the month of March 1941 of approximately

No. 125—3

(a) 4,935 tons of $\frac{1}{4}$ " lump coal at \$1.90 per ton f. o. b. said mines, whereas the effective minimum price for said coal was \$2.05 per ton f. o. b. said mines, as established and set forth in said Schedule; and

That the transactions of coal enumerated in Items 1 to 4, as above set forth, resulted in violations of Section 4 II (e) of the Act and Part II (e) of the Code.
Dated: June 24, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5953; Filed, June 23, 1942;
11:06 a. m.]

[Docket Nos. A-1472; A-1472, Part II]

DISTRICT BOARD 2

RELIEF GRANTED, ETC.

In the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines.

In the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of D. M. & H. Coal Company (W. B. Davis), Harry Fekula and Stanley Sutter.

Memorandum opinion and order severing Docket No. A-1472 Part II from Docket No. A-1472 and granting in part temporary relief in Docket No. A-1472 part II and notice of and order for hearing in Docket No. A-1472 Part II.

The original petition in the above-entitled matters requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 2. As indicated in an Order issued in Docket No. A-1472, a reasonable showing of necessity has been made for the granting of relief prayed for, except as to the establishment of price classifications and minimum prices for the coals of Mine Index No. 270 of D. M. & H. Coal Company (W. B. Davis), Mine Index No. 1777 of Harry Fekula, or Mine Index No. 2107 of Stanley Sutter for rail shipments from Pricedale, Pennsylvania on the Monessen Southwestern Railway and from Somers, Pennsylvania on the Pittsburgh and Lake Erie Railroad.

The original petition proposes price classifications and minimum prices for the coals of these mines for rail shipment from Pricedale, Pennsylvania, on Monessen Southwestern Railway, and from Somers, Pennsylvania, on the Pittsburgh and Lake Erie Railroad. The Division has no record of Monessen Southwestern Railway as a common carrier. A hearing is necessary to determine whether a shipping point may properly be established from Pricedale, Pennsylvania on Monessen Southwestern Railway.

Now, therefore, it is ordered, That the portion of Docket No. A-1472 relating to the coals of Mine Index No. 270 of D. M. & H. Coal Company (W. B. Davis), Mine Index No. 1777 of Harry Fekula, and Mine

Index No. 2107 of Stanley Sutter for rail shipment from Pricedale, Pennsylvania, on Monessen Southwestern Railway, and from Somers, Pennsylvania, on Pittsburgh and Lake Erie Railroad be, and it hereby is, severed from the remainder of Docket No. A-1472 and designated as Docket No. A-1472 Part II.

It is further ordered, That a hearing in Docket No. A-1472 Part II under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on July 23, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit to the undersigned proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 18, 1942.

All persons are hereby notified that the hearing in Docket No. A-1472 Part II and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of Mine Index No. 270 of D. M. & H. Coal Company (W. B. Davis), Mine Index No. 1777 of Harry Fekula, and Mine Index No. 2107 of Stanley Sutter for rail shipments from Pricedale, Pennsylvania, on Monessen Southwestern Railway and from Somers, Pennsylvania, on Pittsburgh and Lake Erie Railroad.

It is further ordered, This pending final disposition of Docket No. A-1472 Part II, temporary relief be, and it hereby is, granted as follows: Commencing forthwith Price Schedule No. 1 for Dis-

strict No. 2, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the Schedule marked "Supplement R," annexed hereto and made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: June 24, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5954; Filed, June 25, 1942;
11:06 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Solicitor.

DESIGNATION OF EXAMINERS, PRESIDING OFFICERS, AND REFEREES

In order to enable the Secretary of Agriculture to discharge his duties under the Agricultural Adjustment Act (1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 et seq.); the Commodity Exchange Act, as amended (7 U.S.C. 1940 ed. 1 et seq.); the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong., 2d Sess.); the Federal Seed Act (7 U.S.C. 1940 ed. 1551 et seq.); the Grain Standards Act, as amended (7 U.S.C. 1940 ed. 171 et seq.); the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181 et seq.); the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. 1940 ed. 499a et seq.); the Sugar Act of 1937, as amended (7 U.S.C. 1940 ed. 1100 et seq.); Sections 56-60 inclusive, of the act of August 24, 1935 (7 U.S.C. 1940 ed. 851 et seq.), relating to anti-hog-cholera serum and hog-cholera virus; and the act of March 4, 1913 (21 U.S.C. 1940 ed. 151 et seq.), relating to viruses, serums, toxins, anti-toxins and analogous products, the persons in the Office of the Solicitor of the Department of Agriculture whose names

are listed below herein are hereby designated and authorized, when assigned by the Solicitor, or by his designated representative, to act as examiners, presiding officers, or referees in connection with any hearings held under the said acts during the period from July 1, 1942, to June 30, 1944, inclusive.* As such examiners, presiding officers, or referees, they are hereby authorized to conduct hearings under the said acts in accordance with the applicable regulations and to perform all the duties and exercise all the powers which, under such regulations, are to be performed or exercised by such examiners, presiding officers, and referees.

Anthony, Elijah
Bagwell, John C.
Brooke, John C.
Brooks, Nell
Brothers, Charles S.
Bucy, Charles W.
Campbell,
Howard V.

Carson, Leonard O.
Chisholm, Dan P.
Craig, Earl B.
Curry, John J.
Dagger, Golden N.
Dechant, Harry P.
Dillman,
Raymond L.

Dimon, Philip W.
Donoho, D. Haskell
Dowling, Grafton
O., Jr.

Durbin, John M.
Edwards, Rufe D.
Ehrlich, Sydney
Farrell, William F.
Farrington,
Robert L.
French, Edwin S.
Gallagher, Frank A.
Gerber, Albert B.
Gifford, Glen J.
Hadley, Albert D.
Hankes, Francis N.
Heggy, Donald R.

Hilbun, Henry, Jr.
Hotchkiss, Elton C.
Hunter, W. Carroll
Hyde, George Osmond
Ise, Walter J.
Koebel, Ralph F.
Koontz, Clarence J.
Knudson, James K.
Lamberton, Harry C.
McConaughy,
Robert K.

McNaught,
Archibald
Miles, Clarence H.
Murphy, Casper M.
Mynatt, Edward F.
Nutting, Charles B.
O'Rourke, C. Dennis
Parker, Joseph O.
Paul, Spurgeon E.
Powell, William H.
Rohan, Philip G.
Rooney, Howard
Sellers, Ashley
Shields, Robert H.
Smith, Earl J.
Stewart, Cloyd L.
Strange, Robert
Wright
Sussman, Gilbert
Tyler, Robert B.
West, Linton B.
Wise, William C.

Done at Washington, D. C., this 24th day of June 1942. Witness my hand and seal of the Department of Agriculture.

[SEAL]

THOMAS J. FLAVIN,
*Assistant to the Secretary
of Agriculture.*¹

[F. R. Doc. 42-5939; Filed, June 24, 1942;
4:38 p. m.]

¹ Acting pursuant to authority delegated by the Secretary of Agriculture under the act of April 4, 1940. (54 Stat. 81; 7 F.R. 2656)

CIVIL AERONAUTICS BOARD.

[Docket Nos. 715 and 739]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF HEARING

In the matter of temporary foreign air transportation between the United States and Europe by Pan American Airways, Inc.

In the matter of the petition for removal of certain restrictions relating to air transportation between the United States and Europe by Pan American Airways, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that public hearing is assigned to be held on July 1, 1942, at 10 a. m. (eastern war time) in Conference Room C, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before an examiner of the Board.

Dated at Washington, D. C., June 24, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-5942; Filed, June 25, 1942;
10:17 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5779]

PORTLAND GENERAL ELECTRIC COMPANY
ORDER POSTPONING HEARING

JUNE 23, 1942.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above-entitled matter;

The Commission orders that: The hearing in the above-entitled matter heretofore set for July 6, 1942, be and it is hereby postponed to July 13, 1942, at 9:45 a. m. (P. W. T.) in the Circuit Court Room 704, New Courthouse Building, Portland, Oregon.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-5941; Filed, June 25, 1942;
10:17 a. m.]